

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 1999-253-E - ORDER NO. 2001-268  
MARCH 26, 2001

IN RE: Application of Broad River Energy LLC for a ) ORDER MODIFYING  
Certificate of Environmental Compatibility ) ORDER NO. 2000-754  
and Public Convenience and Necessity. )

This matter comes before the Public Service Commission of South Carolina ("Commission") by way of a letter from counsel for Broad River Energy LLC ("Company") advising the Commission of developments with respect to the Company and its affiliate Broad River Investors LLC ("BRI").

By Order No. 2000-754, dated September 11, 2000, the Commission granted an amendment to a Certificate of Environmental Compatibility and Public Convenience and Necessity ("Certificate")<sup>1</sup> to construct and operate an expansion of a generating plant for the production of electric power and energy to be located in the vicinity of the city of Gaffney in Cherokee County, South Carolina. The amendment to the Certificate authorized the construction and operation of two additional generating units (Units 4 and 5) at the facility.

BRI was created for the purposes of financing the purchase of the two additional units and related equipment and for certain contracting purposes. BRI was the entity which intended to construct and operate the two additional generating units at the Broad

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<sup>1</sup> The Certificate was previously issued by the Commission in Order No. 1999-671, dated September 22, 1999.

River Energy Center located near Gaffney in Cherokee County, South Carolina. Order No. 2000-754 recognized BRI as the owner of the two additional units.

By letter dated, February 20, 2001, counsel for the Company notified the Commission of developments with respect to the Company and its affiliate BRI. Counsel for the Company explained that as financing and related contractual transactions proceeded it became unnecessary for BRI to continue to participate in the purchase and ownership of the two additional units (Units 4 and 5) as originally planned. Rather, the Company will acquire and own the additional turbines and related facilities similar to the way the Company acquired the initial three units and associated facilities. Consequently, BRI will have no further involvement or participation in the acquisition, ownership or operation of the Broad River Energy Project. Counsel assured the Commission that all other descriptions of the project and its operations contained in the Application and Order No. 2000-754 remain unchanged.

Upon consideration of this matter, the Commission finds that Order No. 2000-754 should be modified to reflect that BRI is no longer participating in the purchase and ownership of the two additional units (Units 4 and 5) at the Broad River Energy Center. Instead, Order No. 2000-754 is modified to reflect that the Company is the owner and operator of the Broad River Energy Center, including the two additional units (Units 4 and 5) approved by Order No. 2000-754, and that BRI has no further involvement or participation in the acquisition, ownership, or operation of the Broad River Energy Center.

IT IS THEREFORE ORDER THAT:

1. Order No. 2000-754 is modified to reflect that BRI is not participating in the purchase and ownership of the two additional units (Units 4 and 5) at the Broad River Energy Center located in the vicinity of the city of Gaffney in Cherokee County, South Carolina. Further, Order No. 2000-754 is modified to reflect that the Company will acquire and own the two additional turbines (Units 4 and 5) and related facilities. The modification to Order No. 2000-754 will reflect that ownership and operation of the Broad River Energy Center, including the two additional units approved in Order No. 2000-754 (Units 4 and 5), are the responsibilities of the Company.

2. The Company shall comply with the applicable requirements of the orders in this proceeding, including the provision for notification of the commercial operation of Units 4 and 5.

3. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
Chairman

ATTEST:

  
Executive Director

(SEAL)